

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/29/2021

Gotay Rodriguez,

Plaintiff,

—v—

Commissioner of Social Security,

Defendants.

20-cv-2819 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

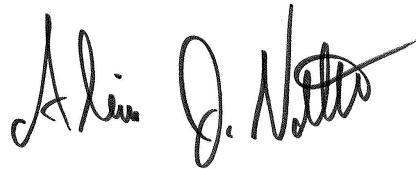
Before the Court is Judge Cave's Report & Recommendation ("R & R") recommending that the Court grant Plaintiff's motion for judgment on the pleadings in this appeal of a denial of social security benefits, and remand the case for further administrative proceedings. When considering the findings and recommendations of a magistrate judge, the Court may "accept, reject, or modify [them], in whole or in part." 28 U.S.C. § 636(b) (1). The Court must make a *de novo* determination of any portions of a magistrate's report or finds to which a party raises an objection, and reviews only for "clear error on the face of the record" when there are no objections to the R & R. *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with "the definite and firm conviction that a mistake has been committed." *Laster v. Mancini*, No. 07-CV-8265 (DAB), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

Objections to Judge Cave's R & R were due by June 30, 2021. As of September 29, 2021, no objections have been filed. The Court thus reviews the R & R for clear error, and finds none. The Court therefore adopts the R & R in its entirety and GRANTS Plaintiff's motions for

judgment on the pleadings, on the grounds described by Judge Cave, DENIES the Commissioner's motion, and REMANDS this case for further administrative proceedings.

SO ORDERED.

Dated: September 29, 2021
New York, New York



ALISON J. NATHAN
United States District Judge